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## SECTION 400: CODES AND POLICIES

### 400.1

#### **CODES** (modified 09/04; Aug 16, 2013 ASHRAE; Jan 2015 re adopted edition)

The following Codes and Regulations are used by the Bureau. The Professional will prepare all Documents in compliance with the latest Department of Finance and Administration/Bureau of Building, Grounds and Real Property Management adopted edition of each. Special projects may necessitate compliance with additional codes, regulations or requirements. The Using Agency can be of assistance in specifying Code and Regulation requirements.

The Professional will adhere to the following abridged list of Codes and Regulations depending on the nature of the Project. In some instances, printed materials are available upon request; whereas, certain regulatory agencies require appointments to discuss specifics because no printed materials are available. It is assumed the Professional is familiar with all Codes and Regulations and will comply with all codes whether they are listed below or not. Professionals may hire, at their own expense, consultants to review documents for code compliance; the Bureau Staff will not review drawings or specifications for code compliance.

.1	International Building Code	.14	Mississippi Floodplain Regulations
.2	International Existing Building Code	.15	Information Technology Services (formerly Central Data Processing Authority)- <i>Computer Equipment Purchases and Telecommunication Purchases</i>
.3	International Plumbing Code	.16	Mississippi Department of Archives and History - <i>Historic Properties</i>
.4	International Mechanical Code	.17	Mississippi Department of Environmental Quality's Office of Pollution Control – <i>Air and Water</i>
.5	International Fuel Gas Code	.18	Mississippi State Department of Health's Health Facilities Licensure and Certification Division - <i>Minimum Standards of Operation for Home Health Agencies</i>
.6	International Electrical Code		<i>Minimum Standards of Operation for Personal Care Homes</i>
.7	ASHRAE 90.1-2010 (Energy Standard for Buildings)		<i>Minimum Standards of Operation for Chemical Dependency Units</i>
.8	International Fire Code		<i>Minimum Standards of Operation for Mississippi Hospitals</i>
.9	Mississippi Handicapped Law, Mississippi Code 1972, Annotated, Section 43-6-101 through 43-6-125		<i>Minimum Standards of Operation for Psychiatric Hospitals</i>
.10	Federal Register, Part III, Environmental Protection Agency 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants; Asbestos NESHAP Revision; Final Rule		<i>Minimum Standards of Operation for Ambulatory Surgical Facilities</i>
.11	Mississippi Regulations for Accreditation and Certification of Asbestos Abatement Personnel (Mississippi Department of Environmental Quality)		<i>Minimum Standards of Operation for Institutions for the Aged and Infirmed</i>
.12	Federal Register, Part IV, Department of Justice 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; Final Rule		
.13	Davis Bacon Act Regulations		

### 400.2

#### **PERMITS & LOCAL AUTHORITIES**

Local building permits are not required. Local authorities have no jurisdiction over state-owned projects except where they have been specifically authorized to act on behalf of the State (i.e., local fire marshals and health officials). [**Mississippi Supreme Court** opinion, *City of Jackson v. Mississippi State Building Commission et al*, 350 So.2d 63 (1977)]

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# ROOFING POLICY

## 400.3

### THE POLICY

In an attempt to alleviate various problems regarding low-sloping roofs and to standardize plans and specifications, the Bureau as the Owner has set forth the following policy for roofing new and existing buildings. The following guidelines delineate the Bureau's Roofing Policy and related forms.

#### **Roof Policy Elements**

- \* Roof Requirements
- \* Roof Guarantee
- \* Roof Slopes
- \* Roof Substrate
- \* Roof Insulation
- \* Roof Top Equipment
- \* Flashings
- \* Roof Planning and Surveying
- \* Roofing Asbestos Testing
- \* Roofing Bid Documents
- \* Quality Assurance
- \* Prebid Roofing Conference
- \* Preroofing Conference
- \* Roof Inspection
- \* Roof Bond

#### **A. ROOF REQUIREMENTS**

1. The following three (3) types of roofing systems are approved. Any other type of roof system must have written approval from the Owner:

a. A four-ply fiberglass and bitumen hot-mopped applied built-up roofing system.

b. A modified bitumen roofing system shall be hot-mopped applied.

c. A single-ply polymeric roofing system including EPDM (ethylene propylene diene monomer); SPE (chlorosulfonated polyethylene); and CPA (copolymer alloy) can be loose laid, adhered or mechanically attached.

2. It shall be the responsibility of the Professional to choose the type of roof which will best suit the Project and to specify that the roof be furnished, installed and guaranteed as a system which may include vapor retarders, insulation, fasteners, bitumen, felts, membranes, flashings and/or other items which are

required by the proposed design. All materials used in the roofing system shall be specified to meet the latest available American Standards of Testing Materials (ASTM) for individual components of the roofing system. Certification from the roofing Manufacturer shall be furnished at the pre-roofing conference as well as when the material is delivered to the job site.

#### **B. ROOF GUARANTEE**

1. The four-ply built-up roof system and the modified bitumen system shall have a twenty (20) year unlimited Manufacturer's guarantee for water tightness covering material and Workmanship on the entire system.
2. The single-ply polymeric system shall have a fifteen (15) year unlimited Manufacturer's guarantee for water tightness covering material and Workmanship on the entire system.
3. In addition to the above guarantee, the General Contractor and/or the Roofing Contractor shall provide a written guarantee agreeing to keep the roof free of leaks for a period of two (2) years beginning at the time of acceptance of the Project by the Owner.

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**C. ROOF SLOPES**

1. All roof construction on new buildings shall have a built-in minimum slope to drains or eaves of a quarter of an inch (1/4") per foot.
2. All replacement roofs shall have a minimum slope of a quarter of an inch (1/4") per foot where feasible, however in no case shall the slope be less than one sixteenth of an inch (1/16") per foot.

**D. ROOF SUBSTRATE**

1. The type roof system selected shall be compatible with the substrate and shall be approved by the roofing material Manufacturer.

**E. ROOF INSULATION**

1. Roof insulation shall be of the type approved and guaranteed by the roofing Manufacturer for the roof assembly in which it is to be used. The required minimum "R" value shall be specified.
2. On replacement roof projects which do not have a sloping deck, tapered insulation shall be used where feasible.

**F. ROOF TOP EQUIPMENT**

1. On all new construction, the installation of equipment on roofs shall not be permitted. Where equipment must be installed on a roof, such as kitchen exhaust hood, it shall be approved by the Owner and shall be installed in accordance with the National Roofing Contractors Association (NRCA) design details which shall be such that reroofing can be easily accomplished without the removal of the equipment.
2. Where equipment must be periodically serviced, easy access and traffic pads shall be provided.

**G. FLASHINGS**

1. Flashings shall be included in the Roof Warranty and shall be applied by an applicator approved by the Manufacturer of the roofing material.
2. In reroofing projects existing metal flashings which are not to be replaced may be exempted from the Warranty.

**H. ROOF PLANNING AND SURVEYING**

1. A report shall be prepared by the Professional which shall include the following items:
  - a. New Construction
    - (1) Fire Code protection requirement and the required hourly fire resistance rating of the assembly
    - (2) UL roof assembly number
    - (3) Type of roofing and flashing system recommended with justification for its use
    - (4) Roof Area
    - (5) Cost Estimate

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- b. Existing Construction
    - (1) Determination of roof construction (core where necessary)
    - (2) Asbestos survey and testing
    - (3) Visual roof analysis inspection
    - (4) Moisture analysis
    - (5) Code requirements (UL roof assembly number, if applicable)
    - (6) Provide Class A type roof, or match existing roof
    - (7) Recommendations by the Professional as to repair or reroof
    - (8) Cost Estimate
  - c. The necessary forms to complete the roof analysis and inspection are included in **Appendix 400**.
2. Two (2) copies of this report will be submitted to the Bureau.

#### **I. ROOFING ASBESTOS TESTING**

1. All testing should be conducted and performed as stated in the *ACM Abatement Policy*. [See **Section 400.4**.]

#### **J. ROOFING BID DOCUMENTS**

- 1. For new construction and complete tear-off of existing roofs, the Professional shall specify in the Bid Documents the roof as a system and shall include all items which are to be covered under the Roof Warranty.
- 2. When required, the Professional shall state in the Section, *Instructions to Bidders*, that upon award of Contract the General Contractor and/or Roofing Contractor shall provide the Owner with the installed price of the roofing system. If more than one (1) building is involved, each building shall be listed separately.
- 3. Items to be included/stated in Bid Documents:
  - a. Prebid Conference: This conference is to be set at least seven (7) days prior to the bid opening. The date is to be stated in the specifications.
  - b. Installer Submittals: Within five (5) days after bids have been opened, the low Bidder shall provide the Bureau with a letter from the Manufacturer of the roofing system stating that the low Bidder is an authorized installer. The letter should also list three (3) projects installed by the low Bidder's firm which used the type roofing specified in the Bid Documents. The Roofing Contractor shall also provide a sample copy of the Manufacturer's Roof Warranty.
  - c. Roofing Manufacturer: The Bidder is to state the name of the Manufacturer of the roofing system to be install.
- 4. Removal of ACM will be a part of the Contract and must be incorporated into the Bid Documents. [See **Section 400**.]

#### **K. QUALITY ASSURANCE**

- 1. The Roofing Contractor shall have been in business not less than five (5) years.
- 2. Within five (5) days after bids have been received, the low bidder shall provide the Owner with the following information:
  - a. A letter from the Roofing Manufacturer stating that the bidder is an authorized installer.
  - b. A sample copy of the Manufacturer's Warranty for the specified roofing system.

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- c. A list of three (3) projects installed by his firm which used the type of roofing system specified.

#### **L. PREBID ROOFING CONFERENCE**

- 1. At least seven (7) days prior to bidding of a reroofing project, a prebid conference shall be held at the Project site. Attendance is not a prerequisite for bidding; however, it is strongly recommended.

#### **M. PREROOFING CONFERENCE**

- 1. On new and reroofing projects, prior to ordering roofing materials, a preroofing conference shall be initiated by the Professional.
- 2. At such time, the Roofing Contractor shall provide a list of materials to be used, Manufacturer's installation instructions as well as the Manufacturer's certification confirming that the materials to be used on the Project meet the specified American Standard Testing Materials [ASTM] Standards and a statement that the materials can be warranted by the Roofing Manufacturer.
- 3. On reroofing projects, the following personnel shall be in attendance:
  - a. Professional
  - b. Owner's Staff Inspector
  - c. Using Agency's Representative
  - d. Roofing Contractor
  - e. Roofing Manufacturer's Representative
- 4. On new roofing projects, the following personnel shall be in attendance:
  - a. Professional
  - b. Owner's Staff Inspector
  - c. Using Agency's Representative
  - d. Roofing Manufacturer's Representative
  - e. General Contractor
  - f. Roofing Contractor
  - g. Deck Contractor
  - h. Mechanical Contractor

#### **N. ROOF INSPECTION**

- 1. Inspections shall be made by the Manufacturer's technical representative, as necessary, to obtain the Roof Guarantee.
- 2. The Professional, or Representative, shall inspect the roof as the Work progresses. In particular, inspections shall be at the following times and followed by a letter of confirmation:
  - a. Inspect the substrate before any roofing is done.
  - b. Inspect at the beginning of roofing installation to assure the approved materials are being properly installed.
  - c. Inspect, as necessary, the Work as it progresses, or when a problem arises.
  - d. Inspection at the completion of the Work in order to give final acceptance of the Project.

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## O. ROOF BOND

1. The Professional shall submit to the Owner the original Roof Bond and include all Close-out Documents.
2. The Bond will be in the name of the Bureau of Building, Grounds and Real Property Management acting on behalf of the State of Mississippi as the Owner.

## ASBESTOS ABATEMENT POLICY

**400.4** (amended April 2009 Scruggs to AG)

### THE POLICY

Where Asbestos Containing Materials [ACM] must be removed, the following guidelines and procedures have been developed to manage this process:

#### ACM Guidelines

- \* Asbestos Certification
- \* Schedule
- \* Asbestos Abatement Phases
- \* Inspection/Sampling Testing Phase
- \* Abatement Document Phase
- \* Bidding Phase
- \* Abatement Phase
- \* Professional Consulting Services

### A. ASBESTOS CERTIFICATION

1. The Professional is to secure the services of asbestos specialist(s) who possesses current *Project Designer* and/or *Project Inspector* certificate(s) issued by the Mississippi Department of Environmental Quality's Office of Pollution Control.

2. A copy of each Certificate will be attached to a comprehensive report submitted by the Professional to the Owner defining the ACM present, its type, location and approximate quantity.

3. If the Professional has an asbestos specialist on staff who possesses proper certification, the asbestos testing can be performed *in house*.

### B. SCHEDULE

1. Upon execution of the *Standard Form of Agreement Between the Owner and the Professional*, the Professional will submit a *Schedule of Performance* for approval by the Bureau Staff. This *Schedule* will include allowances for time required by the Bureau and Using Agency for review and approval of the submissions. When the *Schedule* has been approved by the Bureau, it will not, except for reasonable cause, be exceeded by the Professional.

### C. ASBESTOS ABATEMENT PHASES

1. Inspection/Sampling/Testing
2. Abatement Document
3. Bidding
4. Abatement

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#### **D. INSPECTION/SAMPLING/TESTING PHASE**

1. The Professional will consult with the Owner to ascertain the applicable requirements of the Project.
2. The Professional shall perform a complete inspection of the Project to determine:
  - a. Types of Asbestos
  - b. Locations of Asbestos
  - c. Quantities of Asbestos
3. The Professional will secure the services of a testing laboratory qualified by the National Institute of Safety and Health [NIOSH] to conduct tests. Services should include:
  - a. Sample Collection
  - b. Analysis
  - c. Reporting
4. The Professional, if qualified as a NIOSH laboratory, may conduct the asbestos sampling, analysis and reporting.
5. The Owner will reimburse the Professional for the testing required by this phase.
6. Four (4) copies of the comprehensive written report will be submitted to the Owner. Documents should include:
  - a. Drawings
  - b. Testing Laboratory Reports
  - c. Cost Options
  - d. Owner's Options
7. The Professional will prepare and submit an estimate of the Project's total cost. The estimate should include:
  - a. Costs associated with removal of ACM
  - b. Costs associated with disposal of ACM
  - c. Replacement of any finishes or materials disturbed during the removal process
  - d. Testing
  - e. Monitoring
8. The Professional will show progress to date and confirm the remainder of the Schedule.
9. The Bureau must give written approval of the Inspection/Sampling/Testing Phase before the Professional proceeds with the next phase.

#### **E. ABATEMENT DOCUMENT PHASE**

1. (removed 7/9/09 per AG notification)
2. The Professional will prepare and submit four (4) copies of Working drawings and specifications for approval. Two (2) copies will be delivered to the Bureau and two (2) copies will be delivered to the Using Agency. The drawings and specifications should detail and prescribe:
  - a. The Work to be accomplished.
  - b. Protective measures in accordance with EPA guidelines.
  - c. Procedures for shutting down mechanical and electrical systems.
  - d. Phasing of Work, if required.
  - e. Outlining responsibilities for cleaning.
  - f. Outlining responsibilities for removing loose equipment.

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3. After receiving a reviewed copy of the Abatement Documents from the Owner, the Professional will review and revise the documents. When the final revised copies are ready for distribution two (2) copies will be given to the Owner and two (2) copies to the Using Agency prior to release of documents for bids.
  4. The Professional will provide complete sets of plans, specifications, and other bidding documents for bidding purposes.
    - a. The Professional will be reimbursed for printing the bid documents by the Owner, with cost approval prior to printing.
    - b. Costs of all plans and specifications, other than for bidding, will be at the Professional's expense.
  5. The Professional will prepare and submit to the Owner a detailed construction cost analysis based on a quantity survey. The estimate will show an escalation projected from the date of the estimate to the projected bid date.
  6. The Professional will agree that approval of the drawings and specifications by any person, body, or agency will not relieve him of the responsibility for the adequacy, fitness, suitability, correctness of design, and designing the Work in accordance with sound and accepted practices and in compliance with prevailing building codes, federal and state laws and regulations regarding asbestos abatement.

#### F. BIDDING PHASE

1. Following the Owner's approval of the Abatement Document Phase, the Professional will assist the Owner in:
  - a. Obtaining bids
  - b. Awarding a Contract
  - c. Preparing Construction Contracts
2. The Professional will attend the bid opening and furnish a bid tabulation sheet in accordance with the Bureau's format. [See **Appendix 400.**]
3. Immediately after receipt of bids, the Professional will submit to the Owner a certified tabulation of all bids received accompanied by a recommendation as to the award of Contract.
4. Following the award of Contract, the Professional will prepare four (4) copies of updated construction documents (specifications) and four (4) copies of reduced plans. Each copy will be marked *OFFICIAL CONTRACT DOCUMENTS* and will include:
  - a. Executed Bid Proposal Form (Photocopy is acceptable)
  - b. Agreement Form (With original signatures)
  - c. Contract Bond (With original signatures)
  - d. Power of Attorney (No riders)
  - e. Insurance Certificates (Completed with no alterations)
  - f. Bulletins, addenda, and supplemental drawings
5. Reduced copies will be distributed as follows:
  - a. Owner - two (2) copies.
  - b. Contractor - one (1) copy.
  - c. Professional - one (1) copy.
  - d. Owner's Representative - one (1) copy.
6. The Professional will provide the Attorney General's Special Counsel any information required after the award of Contract.

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## G. ABATEMENT PHASE

1. The Professional's relationship to the General Contractor is outlined in the General Conditions of the Contract between the Owner and the Contractor and is modified by any *Supplementary Conditions*.
2. The Professional will perform the following services during the Construction Phase:
  - a. Complete administration of all construction Contracts
  - b. Issue certificates for payment
  - c. Examine and approve shop drawings and correct shop drawings when necessary for conformance with the design intent
  - d. Make revisions, corrections, or clarifications in the Contract Documents by bulletins or change orders, together with all correspondence and clerical work in connection with bulletins and change orders
  - e. Provide sufficient on-site investigation to substantiate any of the above
  - f. Accept the completed Project, together with such certificates, manuals, and guarantees as provided in the Contract Documents
3. The Professional will collect, maintain and house weekly payrolls from all Contractors and Subcontractors for compliance with the labor standard provisions in the Contract.
4. The Professional will be responsible for conducting field inspections as needed.
  - a. The Professional will maintain a log of all visits to the site by the Consultants and the Professional's firm
  - b. This log will be submitted once a month to the Owner apprising the Owner of the progress and condition of the Work
5. The Professional will be the interpreter of the requirements of the Contract Documents and judge of the performance thereunder of the Contractor.
6. The Professional will not issue any verbal or written orders for omissions from, additions to, or changes in the Construction Contract until approved in writing by the Owner.
7. The Professional will determine the amounts owed to the Contractor based on inspections at the site and evaluations of the Contractor's applications for payment.
8. The Professional will recommend, for the Owner's approval, the issuance of certificates for payment in such amounts as provided in the Contract Documents.
9. The issuance of certificates for payment will not be a representation that the Professional has made any examination to ascertain how and for what purpose the Contractor has used the monies paid on account of the Contract sum, other than to secure certification under oath that all Materialmen, Laborers, and Subcontractors have been paid by the Contractor.
10. Daily air monitoring and final air clearance testing will be included in the Contractor's responsibility in the Abatement Documents.
  - a. The Contractor will select, supervise and pay for all job air monitoring
  - b. If for any reason, this is omitted from the Contractor's responsibility, the Professional will provide the air monitoring services without additional cost to the Owner
11. If the Asbestos Hazard Emergency Response Act [AHERA] regulations require a final air clearance test by an independent testing laboratory not associated with the Contractor, the Professional will obtain that final test and the Owner will reimburse the Professional directly for the expense of obtaining these services, provided the selection and costs are preapproved by the Owner in writing.
12. The Professional and Consultants will conduct a semi-final inspection when the Work has been completed.

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- a. When these items have been corrected by the Contractor, the Professional, Consultants and Bureau Staff Inspector will conduct a final inspection.
  13. Upon completion of the Project, the Professional will provide the Owner with two (2) sets of record documents which include:
    - a. Changes caused by Addenda
    - b. Field changes
    - c. Change Orders
    - d. Observed changes by the Professional, Contractor, or Subcontractors
  14. The Professional will provide the Attorney General's Special Counsel any information required at the end of the Contract.
  15. During the Warranty period, the Professional will Work with the Owner's Representative to secure remedies of defects that become apparent.
    - a. The Professional will make, along with the Owner's Representative, a Warranty inspection prior to the expiration of the Warranty period and report observed discrepancies to the Contractor for correction

#### **H. PROFESSIONAL CONSULTING SERVICES**

1. If the Professional renders basically abatement services, all plans, specifications, detailed drawings and miscellaneous services required for architectural or engineering Work will be accomplished by the Professional at no additional cost to the Owner.

### **TESTING POLICY**

#### **400.5**

#### **THE POLICY**

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| <ul style="list-style-type: none"><li>* Survey/Investigation/Testing</li><li>* Testing Process</li></ul> |
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#### **A. SURVEY/INVESTIGATION/TESTING**

1. The following list of services may be secured in order to prepare the design and Construction Documents:
  - a. Soil investigation
  - b. Foundation reports
  - c. Topographic information
  - d. Subsurface conditions
  - e. Land Survey
2. The Professional will be reimbursed from the Project's contingency funds and not from the Professional's fee.
3. These reimbursements will be made directly to the Professional only upon written approval by the Bureau.

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**B. TESTING PROCESS** (modified Jan 2015 orig & 4 to orig & 1 copy)

1. The Professional is solely responsible for securing one (1) detailed written proposal which includes Scope, Cost and Time for the Work to be performed.
2. The Professional is to exercise great care in the selection, review and recommendation of any service provided.
3. This proposal will be forwarded to the Bureau, accompanied by a letter of request and recommendation.
4. The Bureau Staff will review and recommend the proposal for approval.
5. If, however, the Bureau Staff finds the proposal unacceptable, it may be rejected and another proposal requested.
6. Only one (1) payment will be made at completion of the Work.
7. The Professional will forward the following information to the Bureau in order to process the reimbursement:
  - a. Letter stating completion of services
  - b. One (1) original final invoice and one (1) copy
  - c. One (1) set of data regarding the services provided
8. A separate letter and invoice for each service must be submitted for reimbursement.
9. All items delineated above refer to design related information and do not refer to any construction information.

## **PROFESSIONAL SELECTION POLICY**

**400.6** (amended April 2009 \$1,000,000 to \$2,000,000; \$2,000,000 to \$3,000,000 & added 400.6.b “Note” Dec 2013 SoS; 400.6 August 2016)

### **THE POLICY**

- \* Projects up to and including \$3,000,000
- \* Projects more than \$3,000,000

#### **A. PROJECTS LESS THAN \$3,000,000**

Projects containing an initial total project budget of up to and including \$3,000,000 may use the Request for Qualifications professional selection process if the Bureau deems it necessary; however, it is not mandatory. The selection process is normally as follows:

1. At the time of request for Project Initiation or thereafter, the Executive Director, Commissioner, President, Governing Board or their authorized designee for the Using Agency or Institution requesting the Project, shall submit a list containing at least three (3) Professionals for consideration for the design of the Project. If no list is provided, or a list containing less than three (3) Professionals is provided, the Bureau shall identify additional Professionals for which the Bureau has a current M54 *Architect-Engineer and Related Services Questionnaire* on file until a list of at least three (3) eligible is established.
2. The Bureau shall solicit a letter of interest from each listed Professional, including the Professional's agreement to enter into a Bureau contract for the fee stipulated for this Project if selected and a current M54 *Architect-Engineer and Related Services Questionnaire*, and M55 *Architect-Engineer Related Services for Specific Project Questionnaire* form. The solicitation issued by the Bureau shall identify the scope of work as well as criteria by which selection shall be made. Should one or more identified Professionals fail to furnish a letter of interest, the Using Agency or Institution shall be requested to identify additional potential Professionals or the Bureau will identify additional Professional(s) until a list of three (3) eligible is re-established. For projects where

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the Bureau determines that scope of services make a fee based upon pre-defined percentage of construction cost impractical or inappropriate, following selection based upon qualifications only, the selected Professional shall be requested to provide a detailed Proposal identifying proposed scope, deliverables, schedule, and cost. The Proposal shall be reviewed by the Bureau and evaluated to determine if services represent a fair and reasonable cost, and if not, the Bureau shall negotiate with the selected Professional until this is achieved. Should negotiations with the most qualified Professional fail to achieve a fair and reasonable cost, the Bureau may negotiate with the next most qualified Professional or restart the selection process.

3. Selection: A Selection Committee, composed of the following voting members, may, at its discretion, choose to select the Professional directly from the list of eligibles without benefit of in-person interviews, or they may hold separate in-person interview with each Professional on the list of eligibles:
  - a. Director of the Bureau of Building, Grounds and Real Property Management
  - b. Assistant Director of the Bureau of Building, Grounds and Real Property Management
  - c. Construction Manager of the Bureau of Building, Grounds and Real Property Management or one (1) other staff member of the Bureau.
  - d. One (1) from the Institution, Agency, Department or Governing Board.
4. Voting: A minimum of three (3) Selection Committee members constitute a quorum; and if for any reason a tie vote results, the Director of the Bureau of Building will decide between the two (2) Professionals receiving the most votes based solely upon the scoring criteria identified in the solicitation.
5. Omitting In-Person Interviews: If the in-person interview process is omitted, one of the following shall take place prior to selection:
  - a. Each eligible Professional shall be interviewed over the phone by the Selection Committee.
  - b. The Bureau Director shall waive interviews based on the sufficiency of information submitted and previous performance of Professionals under consideration and proceed directly to voting.
6. Motion to Reconsider: The Director of the Bureau may, at his discretion, rule that the Selection Committee's decision will be held on a *motion to reconsider* and reconvene the Selection Committee normally within five (5) working days after the Selection Committee's initial decision. At this reconvened meeting, the Committee may allow the first vote to *stand*, or the Committee may *throw it out* and take another vote.
7. Emergency Project: Where project is initiated to address emergency repairs, preceding process will not be followed, and selection of Professional will be made based upon recommendation of the Director of the Bureau.
8. Continuation Project: Where project is initiated as a continuation of a previous appointment for a directly related Bureau administered project, preceding process will not be followed, and selection of Professional will be made based upon recommendation of the Director of the Bureau.
9. Adoption Project: Where project is initiated as a continuation of a previous appointment for a project administered by an Institution, Agency or Department, preceding process may not be followed if initial selection process used by Institution, Agency or Department was done using a similar qualifications-based selection process.

The interviews, if held, are open to other representatives of the Institution, Agency or Department; however, they will not participate in the selection voting. The Bureau of Building, Grounds and Real Property Management is responsible for establishing any evaluation criteria when needed for each submission. This may change according to Project need.

## **B. PROJECTS MORE THAN \$3,000,000**

Note: The following procedure does not apply to "emergency" projects that meet Codes 31-7-1 and 37-7-13. (Note added Dec 2013 SoS)

Unless a project has been declared an emergency, projects with more than an initial project budget of \$3,000,000 must follow the professional selection process outlined below:

1. Project Initiation: After a Project has been initiated by the Bureau, the need for professional services for the Project will be made public. The Request for Qualifications for Professional Services shall include numerical

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scoring criteria for both short list and final selection, fee type, project scope, and submission requirements for consideration. The method of announcement will be one, or more, of the following:

- a. Posting on the Bureau website
  - b. Mass e-mail to entities with a current *M54 Architect-Engineer and Related Services Questionnaire* on file
  - c. Publication in a professional society publication or website
  - d. Direct mail-out to entities with a current *M54 Architect-Engineer and Related Services Questionnaire* on file
  - e. Advertisement in regular statewide newspaper
2. Response: Any individual, firm or corporation desiring to respond to the publication and provide Professional services for a Project must give the Bureau written notification of interest. This response must be received at the Bureau's office on, or before, the date established in the public notice. The response is to be as follows:
  - a. Yearly: In order to be considered for any current project, individuals, firms and corporations should have on file a current Bureau of Building's *M54 Architect-Engineer and Related Services Questionnaire*. [See Appendix 400.] A brochure from the firm or corporation may be included, if desired. This file will be updated in March of each year.
  - b. Specific Project: Any individual, firm, or corporation desiring to provide professional services for a specific project must respond to the public notice by writing a letter indicating interest. A separate letter for each Project is required. General letters listing more than one (1) Project will not be considered. Any additional required submissions, other than the letter indicating project interest, will be listed in the public notice. In most cases, additional data will be required such as a M55 Architect-Engineer Related Services for Specific Project Questionnaire form [See Appendix 400] or the submission of the complete design team including structural, asbestos, mechanical and electrical consultants. Joint ventures of professionals are acceptable and the responsibilities of all parties involved should be stated in the letter of interest.
  - c. For projects where the Bureau determines that scope of services make a fee based upon pre-defined percentage of construction cost impractical or inappropriate, this will be clearly indicated in the announcement of need for professional services. Following selection based upon qualifications only, the selected Professional will be requested to provide a detailed Proposal identifying proposed scope, deliverables, schedule, and cost. The Proposal shall be reviewed by the Bureau and evaluated to determine if services represent a fair and reasonable cost, and if not, the Bureau shall negotiate with the selected Professional until this is achieved. Should negotiations with most qualified Professional fail to achieve a fair and reasonable cost, the Bureau may negotiate with the next most qualified Professional or restart selection process.
3. Short List: A Pre-selection Committee will review all letters of interest and related data or information submitted. The Committee selects from all the submissions a *short list* for consideration. The *short list* must have at least three (3) names unless fewer than three (3) are received, in which case all submissions will be considered. The Pre-selection Committee is composed of the following representatives:
  - a. Two (2) from the Institution, Agency, ~~or~~ Department or Governing Board
  - b. Director of the Bureau of Building, Grounds and Real Property Management
  - c. Assistant Director of the Bureau of Building, Grounds and Real Property
  - d. Construction Manager of the Bureau of Building, Grounds and Real Property Management or one (1) other staff member of the Bureau
4. Attendance: A minimum of three (3) Pre-selection Committee members constitute a quorum for the pre-selection process. The Deputy Director of the Department of Finance and Administration who is responsible for the Bureau of Building, Grounds and Real Property Management may elect to substitute for any voting member of the Pre-selection Committee previously noted in 3.c or 3.d. The Bureau of Building staff members are responsible for eliminating all submissions not meeting the project qualifications prior to the Pre-selection Committee's meeting. This pre-selection process may be handled by committee meeting, conference call, or a telephone poll.
5. Notification: After a *short list* has been established by the Pre-selection Committee, those selected for interviews will be notified by the Bureau.

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## Section 400: Codes and Policies

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6. Selection: The Selection Committee composed of the following voting members, may, at its sole discretion, choose to select the Professional directly from the *short list* without benefit of in-person interviews, or they may hold separate in-person interviews with each Professional on the *short list*:
    - a. Two (2) from the Institution, Agency, Department or Governing Board
    - b. Director of the Bureau of Building, Grounds and Real Property Management
    - c. Assistant Director of the Bureau of Building, Grounds and Real Property Management
    - d. Construction Manager of the Bureau of Building, Grounds and Real Property Management or one (1) other staff member of the Bureau.
  7. Voting: A minimum of three (3) Selection Committee members must be present; and if for any reason a tie vote results, the Director of the Bureau of Building will decide between the two (2) Professionals receiving the most votes based solely upon the scoring criteria identified in the solicitation. The Deputy Director of the Department of Finance and Administration who is responsible for the Bureau of Building, Grounds and Real Property Management may elect to substitute for any voting member of the Pre-selection Committee previously noted in 6.c or 6.d.
  8. Delegation of Vote: Any voting member of the Selection Committee previously noted in 6.a, 6.b, ~~or~~ 6.c or 6d, may designate another party to cast their vote. This Designee may be a representative of a local or non-traditional public entity, or a party having a special expertise regarding the area in which the facility will serve. The Selection Committee Member will request the records of the proceedings state their vote has been designated and indicate the Designee.
  9. Omitting Interviews: If the in-person interview process is omitted, the following shall take one of the following shall take place prior to selection:
    - a. Each *short list* Professional will be interviewed over the phone by the Selection Committee.
    - b. The Bureau Director ~~will~~ shall waive interviews based on the sufficiency of information submitted and previous performance of the firms under consideration and proceed directly to voting.
  10. Motion to Reconsider: The Director of the Bureau may, at his discretion, rule that the Selection Committee's decision will be held on a *motion to reconsider* and reconvene the Selection Committee normally within five (5) working days after the Selection Committee's initial decision. At this reconvened meeting, the Committee may allow the first vote to *stand*, or the Committee may *throw it out* and take another vote.
  11. Emergency Project: Where project is initiated to address emergency repairs, preceding process will not be followed, and selection of Professional will be by the Director of the Bureau.
  12. Continuation Project: Where project is initiated as a continuation of a previous appointment for a directly related Bureau administered project, preceding process will not be followed, and selection of Professional will be made based upon recommendation of the Director of the Bureau.
  13. Adoption Project: Where project is initiated as a continuation of a previous appointment for a project administered by an Institution, Agency or Department, preceding process may not be followed if initial selection process used by Institution, Agency or Department was done using a similar qualifications-based selection process.

The interviews, if held, are open to other representatives of the Institution, Agency or Department; however, they will not participate in the selection voting. The Bureau of Building, Grounds and Real Property Management is responsible for establishing any evaluation criteria when needed for each submission. This may change according to Project need.

#### C. PROFESSIONAL REVIEW

The Professional's performance will be evaluated twice during the lifespan of the Project. The review will be performed by the Using Agency, Bureau Staff and the Bureau Director. The first review will be upon the award of a construction Contract, or upon abandoning the Project. The second review will be at the completion of the construction Contract. [See **Appendix 400.**] The Bureau Staff will be responsible for initiating the evaluation.

The Using Agency and Professional may obtain results of the evaluation upon written request. In addition, the evaluations regarding past performances may be consider when the Professional is being interviewed for future work with the Bureau.

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## Section 400: Codes and Policies

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## **D. DISQUALIFICATION OF PROFESSIONAL** (added Sept-Nov 2016)

The following list of situations may disqualify a Professional from being considered:

1. Failure to comply with the Request for Qualifications' requirements.
2. Professional, or one or more of his proposed Consultants, is involved in an ongoing dispute related to the Professional's, or proposed Consultant's, execution, expertise, proficiency, or timely performance of a previous Contract with the Bureau or another state agency, university, community college, or junior college.
3. Professional, or one or more of his proposed Consultants, is in arrears on existing Contract(s) with the Bureau or another state agency, university, community college, or junior college.
4. Professional, or one or more of his proposed Consultants, has defaulted on a previous Contract with the Bureau or another state agency, university, community college, or junior college.

## **REIMBURSEMENT POLICY**

### **400.7**

#### **REIMBURSEMENT TO A USING AGENCY**

When a Using Agency serves as the Professional or the Contractor on an *in house* Project, reimbursements may be made for, but not limited to, the following:

1. Materials (Construction, only)
2. Furniture
3. Equipment
4. Labor (Non-Agency Personnel)

The Bureau will not reimburse Using Agencies for, but not limited to, the following:

1. Expendable items
2. Commodities
3. Restocking of materials and equipment in the Using Agency's warehouse
4. Labor regularly employed by the Using Agency (especially, staff, faculty and maintenance employees)
5. Vehicular expenses
6. Travel expenses
7. Tools

The Bureau reserves the right to review each request for reimbursement and approve or reject any portion or all of the request. Each request must be submitted separately on the *Standard Reimbursement Form* [See **Appendix 400.**] with supporting data attached. Submissions should include one (1) original and one (1) copy. Omission of the original or any of the copies will result in rejection of the request. Failure to complete the form will result in the return of the form. (modified Jan 2015 orig & 4 to orig & 1 copy)

The Using Agencies should request reimbursement(s) in increments larger than \$1,000.00.

### **400.8**

#### **REIMBURSEMENT TO A PROFESSIONAL**

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## **Section 400: Codes and Policies**

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During the course of a Project, the Professional shall reimburse for expenses outlined in the *Standard Form of Agreement Between the Owner and the Professional*. These reimbursements may be made for, but not limited to: topographical information; subsurface conditions; asbestos and/or hazardous material inspection/sampling testing; printing Contract Documents; renderings and/or models; permanent reproducible transparencies; final independent air clearance tests. A separate invoice on each item shall be submitted when requesting reimbursement(s). The Professional shall not be reimbursed for any travel or living expense incurred personally, by Associates and/or Consultants. In addition, all requests for reimbursement must be received with or prior to the final request for payment.

## PROFESSIONAL CONTRACT REVIEW and APPROVAL PROCEDURES

### 400.9

#### THE PROCEDURES (modified August 2016)

In 1994, the Legislature authorized the Department of Finance and Administration through the Bureau of Building, Grounds and Real Property Management to review and preapprove all architectural or engineering service contracts entered into by any state entity (agency, institution, commission, or board) to defray the costs of construction or renovation projects for which services are to be obtained. (Code 31-11-3(7))

Exceptions are:

1. **Institutions of Higher Learning:** Any projects funded from self-generated funds.
  - a. However, DFA should have the authority to obtain annual information on all building, construction and renovation projects including duties, responsibilities and costs of any architect or engineer hired by IHL.
2. **Community & Junior Colleges:** Any projects funded from local funds or other non-state sources which are outside DFA's appropriations or as directed by the Legislature.
3. **State Military Department:** Any projects funded from federal funds or other non-state sources.

The following procedures have been developed by the Bureau in order to review and preapprove all architectural or engineering service contracts entered into by any state entity as authorized by state law in 1994. [Mississippi Code, 1972 Annotated, Section 31-11-3(7)]

- \* Definitions
- \* Inclusions
- \* Exclusions
- \* Submission Procedure
- \* Contract Forms
- \* Approval
- \* Disapproval
- \* Contract Changes
- \* Effective Date

#### A. Definitions:

1. **Contracts:** Contracts entered into by a Using Agency for architectural and/or engineering services which provide professional design and construction administration.

2. **State Funds:** Any monies appropriated and authorized by the Mississippi Legislature; such as, general funds, grants, gifts, fees, federal, or bonds.

3. **Self-generated Funds:** Any monies received by a Using Agency whose amount, authorization and/or origin

are not enumerated by legislative action.

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4. **Local Funds:** Any monies resulting from the action of cities, counties or districts; such as, general funds, grants, gifts, fees, federal or bonds.
- B. **Inclusions:** If State funds support part, or all, of the Project, the Project's Professional Contract shall be submitted to the Bureau for review and preapproval.
- C. **Exclusions:** If one or more of the following conditions are met, the Project's Professional Contract shall not be submitted to the Bureau for review and preapproval:
1. Institutions of Higher Learning projects supported entirely by local funds or other non-state sources.
  2. City, municipality, school districts, or county projects supported entirely by local or self-generated funds.
  3. Community and Junior College projects supported entirely by local funds or other non-state sources.
  4. All State of Mississippi Military Department projects funded fully or partially by federal funds or non-state sources; however, any Projects funded entirely by State appropriations will be submitted.
  5. All Department of Transportation projects and State-Aid Road Projects.
  6. All Department of Environmental Quality projects, except building construction projects. Engineering contracts dealing with environmental quality aspects shall not be submitted.
  7. All Projects resulting from Title 37, Chapter 47 of the Mississippi Code 1972, Annotated (State Aid for Construction of School Facilities).
- D. **Submission Procedure:** One (1) copy of the unsigned, proposed Professional Contract (no original), along with all source selection documentation, shall be submitted prior to signing by the Owner to the Bureau at the following address:

Attention: Professional Contract Review  
Bureau of Building, Grounds and Real Property Management  
501 North West Street, Suite 1401B  
Woolfolk Building  
Jackson, MS 39201  
Phone: 601/359-3621      Fax: 601/359-2470

Electronic submissions are acceptable. Complete and submit with a copy of the Professional's Contract, the *Professional Contract Review Form*. [See Appendix 400.] This Form will expedite the process and also serve as the approval response from the Bureau. Allow at least ten (10) working days for processing or longer if non-Bureau standard forms of contract are utilized. After execution of the Professional's Contract a signed copy should be uploaded to Transparency via MAGIC for recording, auditing and reporting purposes.

- E. **Contract Forms:** Bureau standard forms of contract are required unless specifically waived by the Bureau. Contract forms should be filled out to the extent possible (less signatures) clearly indicating proposed scope, fee classification and schedule of performance. Where form of Contract is to be Using Agency Special Professional Proposal Contract, also attach Professional's Proposal, justification for why a fee based upon pre-defined percentage of construction cost is impractical or

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inappropriate, and documentation of cost evaluation including any negotiations conducted to determine a fair and reasonable cost has been achieved.

- F. **Approval:** If approved, the Bureau will return the Professional Contract Review Form to the Institution/Agency/Department. The Institution/Agency Department should attach a copy of this form to Contract in MAGIC if applicable.
- G. **Disapproval:** It is not the intent of the Bureau to dictate all contractual conditions, but will disapprove submissions if any of the following are present:
- a. Unusual supplementary conditions which are not normally included in a Professional Contract.
  - b. Provisions which impose unfair conditions on either the Owner or the Professional.
  - c. Fees which are excessively high, or low, as related to the normal fees necessary to provide quality services for the particular type project.
  - d. Bureau Staff will examine additional services closely and may request additional information and justification for its inclusion. Fee charges for additional services will be of particular interest.
  - e. Contract forms which are not suitable for Project requirements.
  - f. Failure to comply with source selection requirement.
- H. **Contract Changes:** Any changes to the Contract terms and/or conditions after execution should be submitted in the same manner required for initial preapproval. Changes to Contract that are in accordance with initial terms and/or conditions of Contract (ie: Change Orders) do not require re-submittal for preapproval prior to execution.
- I. **Effective Date:** Any Professional Contract entered into from and after July 1, 1994 shall be submitted to the Bureau for approval.
- J. **Source Selection:** Source selection shall be competitive and qualifications-based, consistent with Section 400.6 PROFESSIONAL SELECTION POLICY used for projects administered by the Bureau of Building, Grounds and Real Property Management as modified:
- a. Projects Less Than \$3,000,000: Using Agency/Institution, not Bureau, would identify and form a Selection Committee to evaluate a list of three (3) eligible Professionals. Names and positions of the Selection Committee along with selection criteria, signed, dated ballots and tally documenting selection process must be submitted with *Professional Contract Review Form*.
  - b. Projects More Than \$3,000,000: Using Agency/Institution, not Bureau, would solicit Request for Qualifications for professional selection and form Pre-Selection and Selection Committees to establish short list and select Professional. Names and positions of the Pre-Selection and Selection Committees along with Request for Qualifications, selection criteria, signed, dated ballots and tally documenting selection process must be submitted with *Professional Contract Review Form*.

## INFORMATION SYSTEMS POLICY

**400.10** (added 1/25/01)

### THE POLICY

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In an attempt to standardize and coordinate the responsibility for communication systems to serve State-owned facilities, the Bureau of Building, Grounds and Real Property Management (BOB), as the Owner, has set forth the following policy for site and building communication systems. The following guidelines delineate the Bureau's Information Systems Policy and related forms.

**Information Systems Policy Elements**

- \* Information Technology Service (ITS)
- \* Long Range Plan
- \* Project Initiation
- \* Planning/Construction/Inspection Options
- \* Construction Coordination
- \* Fees
- \* Total Project Budget
- \* Change Orders
- \* Forms/Samples

A. **ABBREVIATIONS**

- BOB* Bureau of Building, Grounds and Real Property Management
- UA** Using Agency
- ITS** Information Technology Service
- SAF** Standard Approval Form - Bureau of Building, Grounds and Real Property Management
- PPRB** Public Procurement Review Board
- GS** General Services

1. **INFORMATION TECHNOLOGY SERVICE (ITS)**

1. ITS is the State Agency established by law responsible for the design and construction of communication systems including telephone and data systems in State-owned facilities. ITS has produced a Procurement Handbook which is available on the internet at [www.its.state.ms.us](http://www.its.state.ms.us) for the use and information of the various Using Agencies (UA).

2. **LONG RANGE INFORMATION PLAN**

1. ITS requires the UA to have on file in the ITS Office a current up-to-date long range plan.

3. **BOB COMMUNICATIONS PROJECT INITIATION - STANDARD APPROVAL FORM (SAF)**

At an appropriate time in an on-going building project, usually at the Schematic Design Phase, the BOB will initiate, as required, a communications project which expands the scope of the related building project to include voice and data systems (communications). The intent is to initiate an accompanying communications project applicable to the building project.

- i.e. GS# 100-100 New Building  
GS# 100-101 Communications/New Building

Some projects may not require the initiation of a new project and the scope-of-work for communications may be included in the initial building project. Options are outlined in Paragraph E.

ITS will be listed on all communications projects as the Professional.

4. **PLANNING/CONSTRUCTION/INSPECTION OPTIONS**

1. **OPTION 1: ITS INVOLVEMENT IN THE PROJECT**

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- (1) This option requires a CP-28 ITS Procurement Request Form to be prepared, executed and submitted/transmitted to ITS by the BOB.

In order to prepare this CP-28, the BOB requests the UA's letter outlining:

- (1) Scope-of-Work: Detail project requirements, special equipment, fixture count, fixture locations and related data outlining the work to be accomplished.
- (2) Schedule: Communications contract time frame - when will completed building be put into use and systems required to operate.
- (3) UA Contact Person: The person at the UA who is responsible for making communications decisions and who is most familiar with the project.
- (4) Funds: Indicate source of funds - bond fund, outside funds and/or other funds available, which will establish a beginning budget.

This UA letter will become an attachment to the submitted CP-28 as prepared by the BOB and executed by the BOB Director. The budget and schedule must be recorded.

The Bureau of Building will submit the completed CP-28 to ITS. Copies will be furnished to the UA and other Project Professionals.

ITS will define whether the UA is an Operational Customer or Support Services Customer. Operational Customers receive detail services and continuing service, maintenance, procurement and billing services from ITS. Support Service Customers receive limited services from ITS following the completion of the CP-1 scope-of-work. With the UA, ITS will define and coordinate the requirements, systems, scopes-of-work, budgets, time schedules and other coordination requirements for the on-going building project.

Following the submitted CP-28, ITS will initiate a CP-1 Acquisition Approval Form and transmit to the BOB. An estimated communication's contract time should be included. This CP-1 will become the basis of an award of a public contract by the Public Procurement Review Board (PPRB). Notice of PPRB acceptance of the CP-1 will be forwarded to ITS, UA and other Project Professionals. ITS will issue the Communication Contractor's Notice to Proceed and include an estimated contract time and Contractor billing procedures, including invoice and pay application routing. By submitting the CP-1, ITS indicates the required coordination with the Building Professional has been accomplished.

The design and construction of communications work can then begin and proceed as designed, directed, authorized, coordinated, inspected and approved by ITS.

When there are multiple prime Contractors on the same building project (Building Contractor and Communications Contractor), coordination and cooperation are very important. Communications Contractor coordination is the responsibility of ITS - compliance with the CP-1 and/or contracts. Any required Communication Contractor coordination or ITS coordination with the Building Contractor should be the

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responsibility of the project's Architect/Engineer - the Building Professional.

Certain useful "tools" are a part of the Building Contractor's contract. These tools include:

- (1) Pre-Design Conference
- (2) Scheduled Schematic Document Reviews, Design Development Document Reviews and Contract Document Reviews
- (3) Pre-Bid Conference
- (4) Pre-Construction Conference
- (5) Monthly Construction Progress Meetings
- (6) Construction Schedules
- (7) Monthly Applications for Payment.

Any or all of these "tools" may be used to increase Contractor/Professional coordination and cooperation on the building project.

(b) SUMMARY: ITS INVOLVEMENT IN THE PROJECT:

- (1) Project Initiation - GS# on SAF - by BOB. ITS is communications Professional. Copy to ITS, Project Professional and UA.
- (2) Letter - UA to BOB outlining scope-of-work, budget, schedule and contact person.
- (3) Preparation of CP-28 by BOB. Copy to UA and Project Professionals.
- (4) Scope and Budget Outline - ITS to BOB for BOB and UA approval. Copy of approved to Project Professionals.
- (5) CP-1 from ITS to BOB-coordination with Building Professional accomplished. Copy to UA and Project Professional.
- (6) PPRB approval of CP-1. Copy to UA, Project Professional and ITS.
- (7) Notice to Proceed to Communications Contractor issued by ITS. Estimated contract time and billing procedures/route included. Copy to BOB, UA and Project Professional.
- (8) Review of project budget by BOB. Approval required. Copy of approval to ITS, UA and Project Professionals.
- (9) Design and construction of communications project by ITS. Communications contract coordinated with ITS and UA and with Building Professional as required. Building Contractor coordination with Building Professional, BOB, UA and ITS as required.
- (10) Payment of fees to ITS by BOB from project funds at the BOB - may be bond funds or outside funds deposited by the UA at the BOB.
- (11) Payment for construction to Communications Contractor by BOB after approved by ITS. May be bond funds or outside funds deposited by the UA at the BOB.
- (12) Any Change Orders approved by BOB and UA prior to any work at project site. Acceptance to communications project by BOB as recommended by ITS.
- (13) Acceptance of total project as recommended by project Building Professional.

5. OPTION 2: NO ITS INVOLVEMENT IN THE PROJECT:

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- (1) Pre-established exemptions are outlined in Chapters 5, 6, and 7, ITS Procurement Handbook including:

- (1) State Agencies: Exempt for proposed installations including acquisitions of equipment, materials and labor from \$0 to \$10,000 in value.
- (2) IHL-Institutions of Higher Learning: Exempt for proposed installations including acquisitions of equipment, materials and labor from \$0 to \$50,000 in value.
- (3) Community Colleges: Exempt for proposed installations including acquisitions of equipment, materials and labor from \$0 to \$50,000 in value.

- (2) This option requires an approved CP-5 Request for Exemption. The CP-5 is prepared by the UA and forwarded to ITS by the UA. Copies to BOB and project Building Professional.

ITS will review and respond by approving or disapproving the CP-5. A copy of this response should be forwarded to BOB and project Building Professional by the UA.

With the approved CP-5, the UA may then request the project Building Professional to include the desired scope-of-work in the planning and construction process. Before Building Professional includes the scope-of-work in the construction contract, the BOB and the UA must approve scope. This cope-of-work is usually bid as a part of the construction contract or may be a separate contract depending upon the estimated cost and the construction schedule as approved by BOB and UA.

(c) SUMMARY: NO ITS INVOLVEMENT IN THE PROJECT:

- (1) CP-5 prepared by UA and forwarded to ITS. Copy to BOB and Building Professional by UA.
- (2) ITS approval/disapproval CP-5. Copy to BOB and project Building Professional by UA.
- (3) Directions to project Building Professional by UA/BOB concerning the scope-of-work to be included in the planning and construction.
- (4) Accomplish work authorized by construction contract or separate contracts as approved by BOB and UA. All contracts are approved by PPRB if project funds are used. Work authorized and paid by the UA are separate contracts if no project funds are used.
- (5) Acceptance of project by BOB and UA as recommended by project Building Professional.

## **6. FEES**

1. CP-5: Any fees charged by ITS associated with the CP-5 are the responsibility of the UA. These fees will not be paid with project funds at the BOB.
2. CP-28/CP-1: Any fees charged by ITS associated with the CP-28/CP-1 may be included in the project budget and may be paid from project funds at the BOB or other funds transferred to

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### **Section 400: Codes and Policies**

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the BOB by the UA. The required fees are listed by ITS on the Scope and Budget Summary and are approved by PPRB.

7. **TOTAL PROJECT BUDGET**

Once established by the CP-1, the contract amount for communications systems work will be included in the TOTAL PROJECT BUDGET - Standard Approval Form - Bureau of Building, Grounds and Real Property Management.

8. **CHANGES**

Any changes to the CP-1-schedule, construction cost and/or scope-of-work, etc., must be approved in advance of any construction work at the site by the BOB and UA. Any changes to ITS SCOPE AND BUDGET OUTLINE must be approved by the BOB.

9. **FORMS / SAMPLES**

- (1) CP-28 w/ UA Request Letter attached
- (2) ITS Scope and Budget Outline
- (3) CP-1
- (4) CP-5
- (5) PPRB Notice to ITS - Contract Award
- (6) ITS Notice to Proceed
- (7) ITS Change Order

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**ITS Procurement Request Form**

**CP-28**

State Agencies, Universities and Community/Junior Colleges

Please complete the following information and submit to the Department of Information Technology Services (ITS). If you need assistance in completing this form, refer to Chapter 2 of the ITS Procurement Policies and Procedures Handbook.

**Mississippi Department of Information Technology Services**  
301 North Lamar Street, Suite 508 • Jackson, Mississippi 39201-1495  
Phone 601-359-1395 • Fax 601-354-6016

<b>Name/Title:</b>	<b>Phone:</b>	<b>Fax:</b>
<b>Agency/Institution:</b>	<b>Department:</b>	
<b>Address:</b> (Handmail <input type="checkbox"/> Yes <input type="checkbox"/> No) (Mailing List update? <input type="checkbox"/> Yes <input type="checkbox"/> No – If yes, attach the CP-3 Mailing List Update Form to this request.)	<b>Building Location of items requested:</b>	
	<b>SAAS Provider Code:</b>	
	<b>SAAS Agency Code:</b>	
	<b>Long Range Plan Number(s):</b>	

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<b>Quantity, Name, and Description of Items Requested:</b> (Itemize each product requested. If more space is needed, summarize the acquisition here and itemize in an attachment.)				
<b>Fiscal Year</b>	<b>Fund Number</b>	<b>% State Funding</b>	<b>Estimated Initial/Ongoing Costs</b>	<b>Acquisition Method(s)</b>
<b>Is funding definite?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>When do funds expire?</b>				
<b>Impact on State Computer Center?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, please explain in your attached information.				

**Detailed Information** (Please attach detailed information covering the following aspects of this acquisition):

- Background; Applications; and Alternatives considered
- Evaluation and Cost Effectiveness of Alternatives Selected
- Functional Specifications; Selection Criteria
- Brand-specific requirements; Vendor literature; Vendors contacted

There is a charges for ITS procurement services associated with this request which will be billed to the requestor by ITS. Also, if proposals must be solicited for this request, the requestor is responsible for advertising costs and will be billed by ITS. By my signature I acknowledge that my agency/institution is responsible for these charges/costs.

Name (Agency Head / Institution President)	Title	Signature	Date
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Revised: 10/01/1997

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## Section 400: Codes and Policies



# ITS Request for Exemption Form

CP-5

Use this form to request an exemption from ITS. See Chapter 4 of the ITS Procurement Handbook for additional information regarding this form.

Mississippi Department of Information Technology Services  
301 North Lamar Street, Suite 508 • Jackson, Mississippi 39201-1495  
Phone 601-359-1395 • Fax 601-354-6016

<b>Name/Title:</b>	<b>Phone:</b>	<b>Fax:</b>		
<b>Agency/Institution:</b>	<b>Department:</b>			
<b>Address:</b> (Handmail <input type="checkbox"/> Yes <input type="checkbox"/> No)	<b>Provider Code for ITS billing:</b> _____ (If different from established default agency/institution Provider code)			
	<b>Agency Fund Number:</b> _____			
<b>Vendors Contacted:</b> (Use attachment if necessary)	<b>Proposed Effective Through Date:</b> Exemption should be effective through this date: _____. Please allow time for all expended invoices to be paid by this date.			
<b>Quantity, Name, and Description of Items:</b> (Itemize each product requested for exemption. If more space is needed, summarize the acquisition here and itemize in an attachment)				
<b>Background/Application/Alternatives:</b> (Use attachment if necessary)				
<b>Fiscal Year</b>	<b>Fund Number (s)</b>	<b>% State Funding</b>	<b>Maximum Costs</b>	<b>Acquisition Method (s)</b>

There is a charge for ITS procurement services associated with this request which will be billed to the requestor by ITS.  
By my signature I acknowledge that my agency/institution is responsible for these charges/costs.

\_\_\_\_\_  
Name (Agency Head / Institution President)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

<b>ITS USE</b>	
<input type="checkbox"/> Exemption up to \$ _____	Project # _____
<input type="checkbox"/> Does not require ITS approval	Consultant _____
_____ ITS Authorized Signature	_____ Effective through date

Revised: 05/01/199

## Section 400: Codes and Policies

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## Sample

### Scope/Budget Outline

**This is not to exceed project estimate to be used for budgetary purposes. True costs will be detailed and communicated to the Bureau of Building as the project progresses.**

Equipment of Work Description	Expenditure Document	Not to Exceed Cost Estimate
1) Remote Lucent G3 cabinet, electronic circuit packs, and 204 digital sets <b>Includes equipment/installation</b>	CP1	\$501,000.00
2) Cable System-voice and data connectivity material *1,020 data category 5 cables @ \$160.00/cable data cables tested @ 100 Mbs 1020 telephones cables @ \$90.00/cable <b>Includes material/labor</b>  *MSDH may opt to facilitate data cable installation outside of this cost estimate.	CP1 ITS Service Invoice	\$275,000.00
3) Remainder of infrastructure fiber/copper redundant cabling <b>Includes material/labor</b>  *ITS assumes this will be installed via our General RFP/RFQ process.	CP1*	\$ 55,000.00
4) Telephone sets: 200 Panasonic sets <b>Includes equipment</b>	ITS Invoice	\$ 11,204.00
5) G3 programming charges <b>Includes telephone system/set programming</b>	ITS Invoice	\$ 22,950.00
6) Misc. equipment/material (i.e., blue boards/66 blocks/riser cable/misc.)	ITS Invoice	\$ 5,000.00
7) BellSouth Trunking: 48 OGO;s; 48 DID's; 48 DCS/Tie connections (Inbound/outbound trunking installation) <b>Includes material/labor</b>	BellSouth Invoice	\$ 28,000.00
Form CP-1 Effective Date:: 10/05/1998 Expiration Date: 04/03/1999  Date Printed: 10/06/1998	Total Estimated Cost <b>CP-1 Acquisition Approval Form</b> <b>Dept. of Information Technology Services</b> <b>301 North Lamar Street, Suite 508</b> <b>Jackson, MS 39201-1495</b> <b>(601) 359-1395</b>	\$898,154.00 Page 1 CP-1 Approval Number _____ Acquisition Method: PURCHASE/1-TIME

This is your authorization from ITS to issue a purchase order and/or make ongoing payments for the following configuration to the vendor listed at the prices itemized. Contracts, if any, have been signed by ITS and forwarded to the vendor. This procurement is contingent upon availability of funds and will not become final until vendor has received a purchase order from your agency. Keep this form with your financial records to provide an audit trail of ITS approval. Reference the CP-1 number and dates covered by the payment on each copy of your purchase order. Contact ITS for revised approval if: vendor or acquisition plan changes; there are major changes to the configuration; CP-1 has expired; or the total expended amount exceeds the CP-1 Life cycle limit. It is important to issue your purchase order number promptly upon receipt of this CP-1 because the vendor is not required to honor pricing indefinitely. The CP-1 may contain an expiration date which the vendor will honor pricing, in order to allow sufficient time to complete paperwork.

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## Section 400: Codes and Policies

FIN. & ADMIN. - BUREAU OF BUILDING ATTN: MR. BURTON SPENCER 501 NORTH WEST STREET, SUITE 1401B JACKSON MS 39201  HANDMAIL  Location/Use information: EMCC GC# 204-033	PLACE ORDER TO: UPCHURCH TELECOM AND DATA INC P O BOX 301 GREENWOOD MS 38935-0301  MAKE PAYMENTS TO: UPCHURCH TELECOM AND DATA INC P O BOX 301 GREENWOOD MS 38935-0301
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FUND NUMBER(S) 392R	SAAS AGCY CODE	MAX ANNUAL % INCREASE 0.00 %	CP1 LIFEYCLE LIMIT 12449.66 1 PAYMENT	RFP NO(S) SOLE SOURCE/RFP NOT RQD		REV N	DIVISION DP
	SAAS VENDOR V0001141090			PRNO DAR-30341-3	ATHY D	DATE ISSUED 10/06/1998	

DESCRIPTION OF USE: INCREASE CAPACITY TO THE MAYHEW CAMPUS PBX TO ACCOMMODATE NEW TECHNOLOGY CENTER.  COMMENTS/SPECIAL INSTRUCTIONS: THIS EQUIPMENT ADD IS BEING PERFORMED BY VENDOR THAT CURRENTLY HAS MAINTENANCE CONTRACT.
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QTY	PRODUCTS	EACH RETAIL	EACH NET	EXTENDED NET	MIN CODE	SAAS COMMODITY CODES:
1	NEC 1400 CAPACITY INCREASE		12,326.40	12,326.40	162	72557000000
	ONE TIME			12,326.40		

.....End of CP-  
 1.....

APPROVED ITS   DATE: 10/06/1998	DISTRIBUTION TO:  FILE: DAR30341 DFA/FCD
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Need PPRB Notice of Award approval to ITS

Need ITS Notice to Proceed

## Section 400: Codes and Policies

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# SUSTAINABILITY

**400.11** (added 7/18/08; modified Jan 2015)

## SUSTAINABILITY POLICY

Sustainable design seeks to reduce negative impacts on the environment and optimize use of non-renewable resources. In order to optimize site potential, conserve water, minimize energy consumption, promote use of local and environmentally preferable products, the Bureau has set forth the following policy for sustainable design for state-funded buildings throughout the state, in accordance with Mississippi Code Section 31-11-35.

### A. SITE ISSUES

1. Development of inappropriate sites shall be avoided where possible.
2. Repair and renovation of existing facilities and/or expansion/redevelopment of currently developed sites shall be given preference to development of virgin sites.
3. Development of sites shall be executed with the goal of maximizing open and/or vegetative space and minimizing heat islands.
  - (a) Solar Reflectance Index for paving and roofing materials shall be a consideration for product selection.
  - (b) Inclusion of trees in parking lot designs which will provide shade within five (5) years of occupancy shall be a consideration.

### B. WATER EFFICIENCY

1. Specification of indigenous and/or drought resistant plants shall be considered to reduce dependence on potable water irrigation systems.
2. High efficiency plumbing fixtures shall be specified where feasible. Waterless fixtures are not required or preferred.

### C. ENERGY PERFORMANCE (modified Jan 2015 to Code 31-11-35)

1. Each major facility project shall be designed and constructed to meet or exceed the baseline requirements of ASHRAE 90.1-2010 or any more stringent Code [See **400.1**] adopted by the Department of Finance and Administration/Bureau of Building, Grounds and Real Property Management [Code Section 31-11-35] For the purposes of this requirement, a major facility project is defined as:
  - (a) From July 1 through December 31, 2009, any new construction project larger than twenty thousand (20,000) gross square feet
  - (b) From January 1, 2010, through December 31, 2010, any new construction project larger than fifteen thousand (15,000) gross square feet
  - (c) From January 1, 2011, through December 31, 2011, any new construction project larger than ten thousand (10,000) gross square feet
  - (d) From January 1, 2012, and thereafter, any new construction project larger than five thousand (5,000) gross square feet

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- (e) Any repair and renovation project which involves more than fifty percent (50%) of the replacement value of the facility where compliance is cost-effective and practical.
- 2. Exempt from this requirement are any major facility projects which do not have conditioned space as defined by ASHRAE 90.1. [SB3007, L'08]
  - 3. Where compliance of an otherwise applicable repair and renovation project is deemed to be either not cost-effective or not practical, such determination, including written justification, shall be recorded in the Minutes of the Board of the Governing Authority (for Bureau of Building, et al, projects, documentation shall be via Standard Approval Form).
  - 4. All major facility projects shall be commissioned by a Commissioning Authority Professional independent of the Prime Professional for the project to assure that all energy related systems are installed, calibrated and perform according to project requirements and the Contract Documents. The Commissioning Authority Professional (individual and firm) shall be registered to practice engineering in the State of Mississippi and shall be either certified by the Building Commissioning Association as a certified commissioning professional and/or accredited by the University of Wisconsin-Madison as a commissioning process provider.

#### D. **PRODUCT SELECTION** (modified Jan 2015 to Code 31-11-35)

- 1. Where materials, finishes, furnishings, and other products made in or incorporating materials produced in Mississippi meet project requirements, the Professional shall include such products in the specifications. [Code Section 31-11-35(b)]
  - (a) Where both Mississippi manufactured products and non-Mississippi manufactured products are identified as equals, product origin shall not constitute a bid preference.
  - (b) Where only one Mississippi product meets project requirements, this shall not justify single source exception from bidding requirements. [**Mississippi Code 1972, Annotated, Sec.31-7-13-m(viii)**]
  - (c) A listing of Mississippi manufacturers is available from the Mississippi Development Authority [www.mississippi.org](http://www.mississippi.org)
- 2. Where materials, finishes, furnishings, and other products with recycled content are available, are cost-effective and meet project requirements, Professional shall consider specifying these products over comparable products without recycled content.
  - (a) Where both recycled content products and products without recycled content are identified as equals, recycled content shall not constitute a bid preference.
  - (b) Where only one manufacturer meets recycled content goal, this shall not justify single source exception from bidding requirements. [**Mississippi Code 1972, Annotated, Sec.31-7-13-m(viii)**]
- 3. Where materials, finishes, furnishings, and other products with low volatile organic compound emissivity are available, are cost-effective and meet project requirements, Professional shall consider specifying these products over comparable products with higher volatile organic compound emissivity.

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- (a) Where both low VOC products and higher VOC products are identified as equals, VOC emissivity shall not constitute a bid preference.
  - (b) Where only one manufacturer meets low VOC goal, this shall not justify single source exception from bidding requirements. [Mississippi Code 1972, Annotated, Sec.31-7-13-m(viii)]
4. Where materials, finishes, furnishings, and other products containing rapidly renewable materials are available, are cost-effective and meet project requirements, Professional shall consider specifying these products over comparable products without rapidly renewable material content.
- (a) Where both rapidly renewable content products and products without rapidly renewable content are identified as equals, rapidly renewable content shall not constitute a bid preference.
  - (b) Where only one manufacturer meets low rapidly renewable content goal, this shall not justify single source exception from bidding requirements. [Mississippi Code 1972, Annotated, Sec.31-7-13-m(viii)]

## CONTRACTOR PREQUALIFICATION POLICY

**400.12** (added June 2013)

### THE POLICY

#### A. MISSISSIPPI LANDMARKS

Contractors for projects . . . *that involves renovation, restoration, or both, of the State Capitol Building or any other historical building designated for at least five (5) years as a Mississippi Landmark by the Board of Trustees of the Department of Archives and History . . . may be made from the lowest and best prequalified bidder . . .*, as follows: [Mississippi Code 1972, Annotated, Section 31-7-13(d)(iii)]:

1. **Advertisement for Prequalifications:** Once the Construction Documents have been approved, the Bureau will prepare and issue an *Advertisement for Prequalifications* published in the legal section of a newspaper published in the county or municipality in which such agency or governing authority is located. The Advertisement will run once each week for two (2) consecutive weeks with responses being opened not less than fifteen (15) working days after the last notice is published. The Mississippi Contract Procurement Center, Inc., will also be notified. [Mississippi Code 1972, Annotated, Section 31-7-13-c]
2. **Request for Prequalifications:** The Request for Prequalifications document, which will identify required documentation to be submitted and criteria for scoring, minimum score required, along with Construction Documents for the Project, will be made available to all interested Contractors. Contact and deposit information will be as identified in the *Advertisement for Prequalifications*.
3. **Response:** Any Contractor desiring to respond to the publication and become prequalified for a Project must give the Bureau written notification of interest. This response must be received at the Bureau's office on, or before, the date established in the public notice. Additional required documentation to establish Contractor's knowledge and experience in historical restoration, preservation and renovation, other than the letter indicating project interest, will be listed in the *Request for Prequalifications* document. Such documentation shall include, but not be limited to,

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### Section 400: Codes and Policies

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- qualifications of the Contractor's key personnel to be assigned to project and those of key entities proposed by Contractor for performance of required preservation trades.
4. **Short List:** A Preselection Committee will review all letters of interest and related data or information submitted. The Committee selects from all the submissions a *short list* for consideration. The *short list* shall consist of all responsive Contractors meeting the minimum score established in the Request for Prequalifications document. The Preselection Committee is composed of the following representatives:
    - a. Two (2) staff members of the Mississippi Department of Archives and History
    - b. Deputy Executive Director of the Department of Finance and Administration who is responsible for the Bureau of Building, Grounds and Real Property Management
    - c. Director of the Bureau of Building, Grounds and Real Property Management
    - d. Assistant Director of the Bureau of Building, Grounds and Real Property Management
  5. **Attendance:** A minimum of four (4) Committee members must be present for the Preselection process. The Bureau of Building, Grounds and Real Property staff members are responsible for eliminating all submissions not meeting the project qualifications prior to the Preselection Committee's meeting. This process may be handled by committee meeting, conference call, or telephone poll.
  6. **Notification:** After a *short list* has been established by the Preselection Committee, those selected for interviews will be notified by the Bureau.
  7. **Selection:** The Prequalification Committee composed of the following voting members, may choose to prequalify Contractors directly from the *short list* without benefit of interviews, or they may hold separate interview with each Contractor on the *short list*.
    - a. Two (2) staff members of the Mississippi Department of Archives and History
    - b. Deputy Executive Director of the Department of Finance and Administration who is responsible for the Bureau of Building, Grounds and Real Property Management
    - c. Director of the Bureau of Building, Grounds and Real Property Management
    - d. Assistant Director of the Bureau of Building, Grounds and Real Property Management
  8. **Scoring:** Following interviews, if held, Contractors shall be re-scored. No less than two (2) and no more than five (5) Contractors receiving the highest scores shall be prequalified for bidding of the project.
  9. **Interviews:** Interviews, if held, are open to other representatives of the Institution, Agency, or Department for which the project is being administered; however, they will not participate in the scoring.
  10. **Delegation of Scoring:** Any scoring member of the Prequalification Committee previously noted in 7a, 7b, or 7c may designate another party to submit their scores. This Designee may be a representative of a local or non-traditional public entity or a party having a special expertise regarding the scope of the project. The Prequalification Committee Member will request that the records of the proceedings state that their scoring has been designated and indicate the Designee.
  11. **Omitting Interviews:** If the formal interview process is omitted, one or more of the following should take place prior to selection:
    - a. Each short list Contractor will be interviewed over the phone
    - b. Each scoring member of the Prequalification Committee will be consulted in person, or by phone, to ascertain their preference
    - c. The Bureau Director will waive interviews based on the information at hand plus the performance of the Contractors under consideration.

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## Section 400: Codes and Policies

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- 12. Motion to Reconsider:** The Director of the Bureau of Building may, at his discretion, rule that the Prequalification Committee's decision will be held on a *motion to reconsider* and reconvene the Prequalification Committee normally within five (5) working days after the Prequalification Committee's decision. At this reconvened meeting, the Prequalification Committee may allow the first vote to *stand*, or the Committee may throw it out and re-score.
- 13. Advertisement for Bids:** Once Contractors have been prequalified in accordance with this policy, project will be advertised for bids, from said Prequalified Contractors, in accordance with Code 31-7-13(d)(iii) no earlier than fifteen (15) working days after bidders have been prequalified; and, in accordance with Section 600.37 and Code 31-7-13(c).